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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,631	04/07/2004	Lawrence C. Gunn III	LUX-P038	8826
22877	7590	11/16/2005	EXAMINER	
FERNANDEZ & ASSOCIATES LLP 1047 EL CAMINO REAL SUITE 201 MENLO PARK, CA 94025			NGUYEN, JIMMY	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/820,631	GUNN ET AL.
	Examiner Jimmy Nguyen	Art Unit 2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 44 -68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 44 -68 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0404, 1204.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

**Election/Restriction**

The examiner acknowledges the election paper 10/31/05 of claims 44 - 68.

Because of the applicant fails to state the reason for traversing this election/restriction, therefore the election considers without traverse.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 44 – 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Nikonow et al (US 6,859,587).

**As to claim 44,** Nidonow et al disclosed (fig 3) a device, comprising:

a wafer (205) having a wafer surface patterned to comprise an integrated component ( plurality of optical devices on the surface) and an optical coupler (not label, at the side that receive light in), the optical coupler operable to couple light incident from a device above the wafer into the integrated component; and  
at least one optical alignment structure ( the point that set to align probes 210, 220) on the wafer surface and spatially separated from the optical coupler with a

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predetermined spatial offset, the optical alignment structure operable to direct at least a portion of incident light along a predetermined direction above the wafer (205) surface to optically mark a relative position of the optical coupler.

**As to claims 45 – 49,** Nidonow et al disclose (fig 3) disclosed the optical alignment structure is optically retro-reflective, optical grating is Littrow grating, has shaped as a dot.

**As to claims 50, 51, 64, 65,** Nidonow et al disclosed (fig 3) the wafer (205) further comprises an Ics on the wafer (column 1 lines 10 – 20).

**As to claim 52,** Nidonow et al disclosed (fig 3) the device as in claim 51, wherein the optical device comprises a waveguide (20, 22) and at least one optical coupler (at light in) engaged to one end of the waveguide to couple light incident from a device above the wafer into the waveguide.

**As to claim 53,** Nidonow et al disclosed (fig 3) the optical coupler comprises a grating coupler (not label, fig 1).

**As to claim 54,** Nidonow et al disclosed (fig 3) the ICS comprises a wave guide (20, 22).

**As to claims 55 - 63,** Nidonow et al disclosed (fig 3) the lcs is optical detector, optical module, multiplexer (column 1 lines 10 –20).

**As to claims 66 - 68,** Nidonow et al disclosed (figs 1, 3) the device as in claim 44, wherein the optical alignment structure (230, 232) comprises an optical waveguide (20, 22) comprising input and output ports ( light in and light out) that are located adjacent to the integrated component, and wherein the input port comprises an input optical coupler to couple incident light into the optical waveguide and the output port comprises an output optical coupler to couple light out of the output port to optically mark the relative position of the optical coupler.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen whose telephone number is 571-272-1965. The examiner can normally be reached on M - F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramtez Nestor, can be reached on 571 – 272 -2034. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jimmy Nguyen

11/11/05

  
VINH NGUYEN  
PRIMARY EXAMINER  
A.U. 2829  
11/14/05